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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDERSON A. MORAN,

Plaintiff,

– against –

CAROLYN W. COLVIN, Commissioner of the
Social Security Administration of the United States
of America,

Defendant.

ORDER

14 Civ. 9530 (ER)

Ramos, D.J.:

Anderson A. Moran (“Plaintiff or “Moran”) brought this action seeking judicial review of the denial of his application for disability insurance benefits. Doc. 1. On December 12, 2014, the Court referred the case to Magistrate Judge Kevin Nathaniel Fox. Doc. 3. On July 23, 2015, Plaintiff filed a motion for judgment on the pleadings. Doc. 17. On November 19, 2015, while Plaintiff’s motion was outstanding, the Commissioner of Social Security filed a motion for judgment on the pleadings. Doc. 25. On December 21, 2015, Judge Fox issued a Report and Recommendation, recommending that Plaintiff’s motion be denied and that the Commissioner’s motion be granted, and notifying the parties that they had fourteen days from service of the Report and Recommendation to file written objections. Doc. 28. No objection to the report has been filed.

I. Standard of Review

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the

report and recommendation “[w]ithin fourteen days after being served with a copy[.]” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008). The district court will also review the report and recommendation for clear error where a party’s objections are “merely perfunctory responses” argued in an attempt to “engage the district court in a rehashing of the same arguments set forth in the original petition.” *Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (citations and internal quotation marks omitted).

II. Discussion

Despite Plaintiff’s failure to object to the Report, the Court has reviewed Judge Fox’s thorough and well-reasoned Report and finds no error, clear or otherwise. The Court therefore adopts Judge Fox’s recommendation to deny Plaintiff’s motion and to grant Defendant’s motion for judgment on the pleadings for the reasons stated in the Report.

For the reasons set forth above, Plaintiff’s motion for judgment on the pleadings is DENIED and Defendant’s motion for judgment on the pleadings is GRANTED. The Clerk of Court is respectfully directed to terminate the motions, Docs. 17 & 25, mail a copy of this Order to Plaintiff, and to close the case.

It is SO ORDERED

Dated: March 22, 2016
New York, New York



Edgardo Ramos, U.S.D.J.